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February 26, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket 94-102

Dear Ms. Salas:

Herewith transmitted, on behalf of United States Cellular Corporation, are an original and five copies of its "Request To Accept Late Filed Pleading" and "Reply" in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Peter M. Connolly

Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of The Commission's)
Rules to Ensure Compatibility) CC Docket No. 94-102
With Enhanced 911 Emergency)
Systems)

REQUEST TO ACCEPT LATE-FILED PLEADING

United States Cellular Corporation ("USCC") hereby requests permission to file the attached "Reply" four days after it otherwise would have been due.

A death in the family of undersigned counsel prevented the pleading from being filed within it otherwise would have been due, on February 22, 1999.

Accordingly, for the foregoing reasons, we ask that this request be granted and attached "Reply" be accepted.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

By: 

Peter M. Connolly
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1150 Connecticut Ave., N.W.
Washington, D.C. 20036

February 26, 1999

Its Attorneys

In the Matter of)
)
Revision of The Commission's)
Rules to Ensure Compatibility) CC Docket No. 94-102
With Enhanced 911 Emergency)
Systems)

United States Cellular Corporation ("USCC"), hereby files its Reply to certain of the "Oppositions" and "Comments" filed concerning USCC's and other requests for waiver.¹

I. USCC Supports The Deployment of
ALI Capability By 2001 But Believes
The FCC Must BE Ready To Grant
Waivers If It Cannot Be Deployed

See KSI, Inc. Reply To Comments And Requests For Waiver of Section 20.18(e)5 ("KSI Reply"); Sigma One Communications Corporation Opposition To Waiver Requests ("Sigma One Opposition"); Cell-Loc, Inc. Comments ("Cell-Loc Comments"); and True Position, Inc. Response To E911 Comments and Waiver Requests ("True Position Response").

it and will strive to comply with the deadlines set forth in Section 20.18(e) of the FCC's Rules. If KSI and TruePosition prove to be correct that a workable network-based E911 ALI technology can be developed which can serve USCC's mostly rural systems, USCC will deploy it.

However, at present, neither of their technologies would work for many rural cellular systems. Other commenters and outside experts have noted that in order to work satisfactorily at present, "time difference of arrival" ("TDOA") ALI systems will require a mobile telephone to be able to "see" three base stations and "angle of arrival" ("AOA") systems require at least two base stations.²

For USCC, as for other rural carriers, the difficulty is that in many of its systems end users may only be able to "see" one base station, thus rendering either an AOA or TDOA system unusable with current technology.

It is this obdurate problem of the laws of physics, not any lack of public spiritedness, which has led USCC and other carriers to consider handset-based solutions to the E-911 Phase II problem. USCC understands the possible drawbacks to such solutions and indeed, as KSI notes, referred to them in our Contingent Request For Waiver. However, unless the FCC is prepared to force rural

² See, e.g. KSI Reply, pp. 10-11; Telecommunications Reports, February 8, 1999, "Locating Wireless 911 Callers," pp. 57-63.

wireless carriers to build uneconomic cell sites, a handset based E-911 solution for most end users of some systems may be better than no E-911 solution for all the end users of those systems.

Conspicuous by its absence in any of the oppositions referred to above is any discussion of the cell "density" needed to make network-based ALI systems work. To the extent that AOA and TDOA systems can be developed which do work for widely scattered cells, a great public service will have been accomplished. USCC is willing to work with vendors and manufacturers to help develop such systems. But it is not helpful and does not serve the public interest for AOA and TDOA system manufacturers and vendors to take the position that the only problem is the recalcitrance of wireless carriers.

There is one other salient difficulty of the Phase II implementation process which the commenters referred to above also do not mention, namely the problem of PSAP capabilities and deployment costs. Section 20.18(f) of the FCC's Rules states as follows with respect to Phase I and Phase II E-911 requirements:

"(f) Conditions for enhanced 911 services. The requirements set forth in paragraphs(d) and (e) of this section shall be applicable only if the administrator of the designated Public Safety Answering Point has requested the service required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the costs of the service is in place."

Thus, PSAPs capable of receiving and transmitting ALI information and state cost recovery systems are a prerequisite to the deployment of Phase II ALI capabilities. If PSAPs cannot be upgraded to process Phase II data and adequate cost recovery mechanisms are not in place by 2001, Phase II will not happen on schedule, regardless of how advanced the available technology is.

It is undisputed that Phase I implementation has been delayed for a majority of wireless systems by a lack of PSAP readiness to process Phase I ANI information and a failure on the part of many states (24 according to Xypoint Corporation) to adopt appropriate cost recovery mechanisms.³ These problems will be greatly magnified by the increased costs which Phase II will impose. A recent article⁴ estimates that network based Phase II solutions will cost between \$15,000 and \$40,000 per cell site. One petitioner for waiver, with considerable expertise in PCS system construction, has estimated that the cost to the wireless industry of implementing a national network-based system could be \$2 billion.⁵

³ See Telecommunications Reports, February 8, 1999, at 57,63.

⁴ Ibid, at 63

⁵ See Sprint Spectrum, L.P. Waiver Request, filed February 9, 1999.

Given these difficulties, all parties to this proceeding should be looking for ways to reduce the potential costs to carriers, the states and the public (which ultimately must pay any such costs) of meeting Phase II requirements.

In USCC's tentative view, handset-based solutions may help rural carriers achieve substantial compliance with E-911 requirements without having to make ruinous and perhaps unrecoverable expenditures.

If partial waivers of the current E-911 Phase II requirements are necessary to allow such cost-effective solutions to be pursued, then the FCC ought to grant such waivers. USCC does not now know what solution will be best in its unique circumstances but will certainly, at the appropriate time, ask the FCC for permission to implement the solution which makes the most sense. The FCC ought to grant its possible request, as well as those of other carriers of comparable merit.

As this process goes forward, the FCC should remain aware of cost and PSAP readiness issues and not let the best be the enemy of the good.

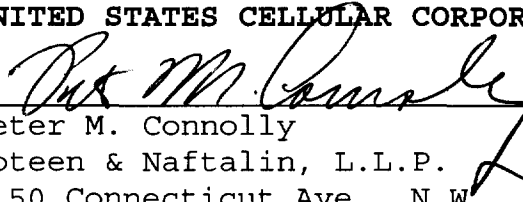
Accordingly, the FCC should not adopt the hardline opposition to any handset based solution reflected in certain of the comments and oppositions. It should remain flexible and should be prepared to grant meritorious waiver requests in the interest of bringing

the benefits of Phase II E-911 service to the greatest possible number of Americans.

Respectfully submitted

UNITED STATES CELLULAR CORPORATION

By: _____


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February 26, 1999

Its Attorneys

CERTIFICATE OF SERVICE

I, Theresa Belser, a secretary in the offices of Koteen & Naftalin certify that the attached "Reply" has been served by first-class mail, postage prepaid, on this 26th day of February, 1999, on the following:

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